

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

---

In the Matter of )  
Implementation of Section 621(a)(1) of )  
the Cable Communications Policy Act of 1984 ) MB Docket No. 05-311  
as amended by the Cable Television Consumer )  
Protection and Competition Act of 1992 )

---

#### COMMENTS OF [INSERT NAME OF PEG ORGANIZATION]

These Comments are filed by Worcester Community Cable Access, (WCCA TV 13 herein) in support of the comments filed by the Alliance for Community Media ("Alliance"), the Alliance for Communications Democracy, the National Association of Telecommunications Officers and Advisors ("NATOA"), and other national local government organizations. Like the Alliance, WCCA TV 13 believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the benefits of cable franchising and the Public, Educational, and Government Access ("PEG") services in our community.

#### Cable Franchising in Our Community

#### Community Information

Worcester is a city with a population of over 170,500. Our franchised cable provider(s) is Charter Communications. Our community has negotiated cable franchises since January 1986.

#### Our Current Franchise

Our current franchise began on January 7th, 1997 and expires on January 7, 2007.

Our franchise requires the cable operator to pay a franchise fee to the city of Worcester,

Massachusetts in the amount of 5% of the cable operator's gross revenues. The revenues for franchise fee purposes are calculated based on the gross revenues of the operator, in accordance with the Federal Cable Act.

Our franchise requires the cable operator to provide the following capacity for public, educational, and/or governmental ("PEG") access channels on the cable system. We currently have 4 channels (or capacity) devoted to public access; 1 channels (or capacity) devoted to educational access; and 1 channels (or capacity) devoted to government access.

Our franchise requires that our PEG channels be supported through franchise fees and additional franchise fees in the following ways by the cable provider: To provide WCCA (the designated public access facilitator) and the educational and government channels with operational funding and capital grants and technical support for equipment and facilities and access to cable channels and Inet for public access use. These funds also support WCCA TV's community educational media programs. In addition provisions are included in the franchise contract to facilitate technical support, Inet channels and sub carrier channels to support the PEG channels.

Our franchise allows for capital support for PEG Access and other public interest services in the amount of 5% of gross revenues. Of the Gross annual revenues collected these provisions are divided accordingly to fund PEG. 60% to public access channel (WCCA TV), and 20% to Government channel and 20% to the educational channel.

Our franchise contains the following institutional network ("I-Net") requirements: Inet set asides to link municipal, educational and community buildings including PEG channels. We use our I-Net facilities in the following ways: Some of these channels are used for public communication purposes including public safety, police and fire department as well as for community use and live remote cable cast purposes, including emergency response.

These emergency alert requirements provide an important avenue of communication with our residents in the event of an emergency.

### PEG Access Services

Worcester Community Cable Access, Inc. has provided access services in our community for 20 years. The number of access channels we operate is 1 and we are expecting a second public access channel which is past due through the city's contract with Charter Communications. In our most recently completed fiscal year, WCCA TV 13 provided over 6,448 hours of new original local programming to the cable subscribers. The community used our equipment and facility thousands of times for 8,736 hours of use per year on average. Below are the highlights of our services to the community.

- Video bulletin board with text and graphics for community announcements.
- Interactive bulletin board where, using the telephone, viewers can retrieve specific community information to their tv screen.
- Coverage of community planning forums, town hall meetings, and neighborhood board meetings.
- Community-produced television programming for special interests (such as - seniors, non-English-speaking, ethnic and cultural groups, youth, people with disabilities, advocacy groups, health care, etc.)
- Staff-produced television programming on topics of interest to the local community.
- Dedicated channel capacity specifically for non-profit organizations to air locally-produced programming.
- Dedicated channel capacity specifically for religious organizations to air locally-produced programming.
- Hotline studios for live, interactive programs that allow local experts to answer viewer questions.
- Free viewing of cable service at selected public sites.
- Local news coverage (not on local broadcast stations).
- Grants to produce community programming.
- Media literacy and production training for neighborhood based community organizations and individuals. Youth programs and educational events.
- Video production courses.
- Video production facilities including studio, field, editing, and, if available, remote van.
- Support to Media Training Centers in local schools, enhancing learning opportunities for students.
- Satellite program reception and redistribution.
- Technical design, installation, and maintenance support.

- Open mic format service such as a free speech soap box.
- Local political coverage, candidate platform statements and candidate debates during campaign season.
- Distance learning: Programming delivered to public and private institutions, facilitating distribution of for-credit instruction.
- Gavel-to-gavel coverage of educational governance proceedings.
- "E-School": Programming delivered to the home via video, e-mail, and web-based content. Can include support to traditional learning (such as "Homework Hotline") or fully-electronic course delivery.
- Production, support, and distribution for non-credit classes and job training.
- Distribution of community college and university educational programming.
- Internet access at public sites.
- Computer literacy training for youth and families.
- Unique non-local programming available via satellite feed such as Arts Showcase, Mind Extension University, and SCOLA or other international news.
- Gavel-to-gavel coverage of state legislative sessions, hearings, and other select proceedings.
- Gavel-to-gavel coverage of local government meetings/hearings and other select "local" governmental proceedings.
- Viewer questions answered during live call-in segments of government meetings.
- Interactive participation in government meetings at community sites.
- Election night coverage.
- Community news magazines in English and Spanish

- Local services via WiFi broadband. Free community computer lab and internet access
- And so much more.

## The Franchising Process

Under the law, a cable franchise functions as a contract between the local government (operating as the local franchising authority) and the cable operator. Like other contracts, its terms are negotiated. Under the Federal Cable Act it is the statutory obligation of the local government to determine the community's cable-related needs and interests and to ensure that these are addressed in the franchising process – to the extent that is economically feasible. However derived (whether requested by the local government or offered by the cable operator), once the franchise is approved by both parties the provisions in the franchise agreement function as contractual obligations upon both parties.

While a franchise is negotiated by the local government as a contract, the process provides notice requirements for the public and the cable operator under state and local law. For instance: Public hearings and community ascertainment process. WCCA plays an important role in ascertaining community technology needs. Bringing the voice of the stakeholders to the table is important. Local input is imperative to franchise environment.

## Competitive Cable Systems

Our community :

- was approached once in 2005, by a competitive provider but the provider chose not to enter into any formal discussions.
- Does not have mechanisms in place to offer the same or a comparable franchise to a competitor upon request that I am aware of.

## Conclusions

This NPRM is only looking retrospectively at one aspect of the franchising process. We believe that the Commission must look to the future of the public's interest in telecommunication's services. The existing franchising process has provided a basis for public interest services appropriately tailored to each community's local needs. We believe that those services such as PEG should be required of all broadband telecommunications providers.

The local cable franchising process has functioned well in [Name of community]. As the above

information indicates, we are experienced at working with cable providers, the local franchise authority, and community interests to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises can also ensure that the cable operator provides the PEG Access services which are responsive to the local community needs as determined through community needs assessments and the local knowledge of educators, local elected officials and local nonprofit organizations.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of primarily local interest.

Local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The [Name of PEG Access Organization] therefore respectfully requests that the Commission take this opportunity to reaffirm the primacy of local government authority over franchising and should make clear that imposition on a new entrant of PEG Access, consumer protections and other public interest services requirements that are equivalent to those of the incumbent does not constitute an unreasonable refusal to award an additional competitive franchise within the meaning of federal law..

The PEG Access model should be strengthened and applied to new technologies, assuring that localism and community participation are not displaced by commercial interests.

The nation would be well served by a policy of "Community Reinvestment" through PEG Access that includes funds and bandwidth and/or spectrum that will be used for public purposes by:

1. Allowing the local community which owns the public rights-of-way to franchise and determine the best use of the community's property;
2. Dedicating ten percent of the public airwaves and capacity on communication facilities that occupy

- public rights-of-way to PEG use for free speech, diverse points of view, local programs, community based education and political speech;
3. Mandating funding of five percent of gross revenues above and beyond any franchise fee to local authorities from all infrastructure and service providers and spectrum licensees to support PEG equipment, facilities, training and services; and,
  4. Making PEG Access universally available to any consumer of advanced telecommunications services capable of full-motion video.

Respectfully submitted,

WCCA TV 13, "The People's Channel"

By: Mauro DePasquale, WCCA TV 13  
415 Main St. Worcester, MA

cc: Alliance for Community Media, [Getup@alliancecm.org](mailto:Getup@alliancecm.org)